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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,648	05/24/2001	Lila Madour	27950-00444USPT	4541

27902 7590 11/17/2004  
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CANADA

EXAMINER
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DUONG, DUC T

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/865,648

Applicant(s)

MADOUR ET AL.

Examiner

Duc T. Duong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-10,14-18 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 3-5,11-13 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 2, 8-10, 16-18, and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Dynarski et al (U.S. Patent 6,272,129 B1).

Regarding to claims 1, 9, and 17, Dynarski discloses a method of providing packet data services comprising the steps of requesting of packet-data services by a user 14 located in a first network 40 (Fig. 1A col. 7 lines 59-67); assigning access resources to the user in an inter-working function 30 of the first network (Fig. 1A col. 8 lines 9-13); negotiate and establish by the inter-working function a PPP link between the user in the first network and a packet data service node 22 in the second network 20

(Fig. 1A col. 8 lines 13-18); and providing the packet data services to the user via the inter-working function by the packet data service node (Fig. 1A col. 8 lines 36-51).

Regarding to claims 2, 10, and 18, Dynarski discloses the packet data serves as a network access server to the inter-working function (Fig. 1A col. 5 lines 12-17).

Regarding to claims 8, 16, and 24, Dynarski discloses the mobile station accessing via the packet data service node, authentication, authorization, and accounting (AAA) services from an AAA server 28 located in the second network (Fig. 1A col. 5 lines 45-48).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6, 14, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski in view of Illidge et al (U.S. Publishing 2002/0085514 A1).

Regarding to claims 6, 14, and 22, Dynarski discloses all the limitations with respect to claims 1, 9, and 17, except for the first network is a second-generation code-division-multiple-access network and the second network is a third-generation code-division-multiple-access network. However, Illidge discloses a method for switching packet data call from a 2G CDMA to a 3G CDMA network, or vice versa (Fig. 1A and 1B pages 1-2 paragraph 0010-0011). Thus, it would have been obvious to a person of ordinary skill in the art to employ a switching of packet data call from 2G and 3G CDMA

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networks, or vice versa as taught by Illidge in Dynarki's system to provide users with seamless coverage, wherein high-speed packet data transmission will not be terminated or interrupted when users roam from a 3G coverage to a 2G coverage, or vice versa.

5. Claims 7, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski in view of Abrol et al (U.S. Publishing 2002/0154627 A1).

Regarding to claims 7, 15, and 23, Dynarski discloses all the limitations with respect to claims 1, 9, and 17, except for both the first network and the second network is a second-generation code-division-multiple-access networks. However, Abrol discloses an apparatus providing radio packet data services comprising a high data rate HDR radio network 120 and a wireless telephony network 122 supporting CDMA standards (Fig. 1-2 page 2 paragraph 0020 and paragraph 0025). Thus, it would have been obvious to a person of ordinary skill in the art to employ a dual CDMA networks as taught by Abrol in Dynarski's system to provide users with the capability to communicate with multiple radio networks for various types of services.

#### ***Allowable Subject Matter***

6. Claims 3-5, 11-13, and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-Th (9:00 AM-6:00 PM).

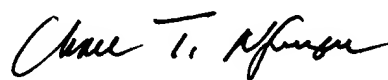
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD

DD



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